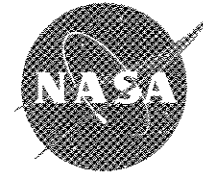


National Aeronautics and Space Administration
George C. Marshall Space Flight Center
Marshall Space Flight Center, AL 35812



November 30, 2011

Reply to Attn of:

LS01 (AMM)

MEMORANDUM FOR RECORD

FROM: LS01/James R. Frees

SUBJECT: Approval for NASA MSFC Employee to attend the
North Alabama Chapter of Associated Builders and Contractors
Excellence in Construction 2011 Awards Banquet

In accordance with 5 C.F.R. 2635.204(g)(2) and (3), I make the following determination:

One NASA Marshall Space Flight Center (MSFC) employee has been invited to attend the North Alabama Chapter of Associated Builders and Contractors Excellence in Construction 2011 Awards Banquet. The banquet will be held on December 2, 2011, at the Von Braun Center North Hall. There will be a cocktail reception with a cash bar beginning at 5:30 p.m., and the banquet begins at 6:30 p.m. The awards presentation will follow the banquet.

The NASA employee, Dennis Foster, and his wife, have been invited to the Awards Banquet (Banquet) by the Project Manager for M & D Mechanical Contractors, Inc., (M&D). M&D is a member of the North Alabama Chapter of Associated Builders and Contractors, which is sponsoring the banquet. M&D is receiving an award for its work as a sub contractor on the construction of MSFC Building 4602. Mr. Foster was the Mechanical/Electrical Team Lead for the Facilities Management Office for MSFC during the construction of Building 4602. (M&D does not have any current contracts with NASA. Mr. Foster does not have any current duties involving M&D, or in future procurements involving M&D. In fact, Mr. Foster will be retiring from NASA on December 31, 2011.)

The Banquet is valued at \$40.00 per person, and approximately 250 people have been invited to attend. The Banquet attendees will be construction contractor industry representatives, local officials, media, and other community leaders. I find that this event is a widely attended gathering.

Mr. Foster is honored to be invited by M & D to attend the Awards Banquet. It would be positive for NASA MSFC community relations for Mr. Foster to be able to attend this event. Given the purpose of the event, NASA's interest in it, the broad attendance anticipated, and the reasonable market value of the event, I have determined that the value to the agency in having Mr. Foster attend this event outweighs any concern that free attendance for he and his wife may or may appear to improperly influence him in the performance of his duties, as defined by 5 CFR §2635.204(g)(3)(i).

Although the offer of free attendance is not being made by the sponsor of the event, more than 100 persons are expected to attend, and the gift of free attendance has a market value of less than \$335. (See 5 CFR 2635.204(g)(2).)

Therefore, Mr. Foster may accept the gift of free attendance at the dinner on behalf of himself and his wife.

The North Alabama ABC is a 501(c)(3) non-profit organization. It is not a lobbying organization and is not registered as such under the Lobbying Disclosure Act.

Questions about this determination may be addressed to Annette Metcalf Coffel at 256-544-0025.


James R. Frees
Acting Chief Counsel